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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: Chapter 11

Dashley Realty, Inc., Case No. 15-\_\_\_\_(RDD)  
Debtor.

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**DECLARATION OF CIRILO RODRIGUEZ**  
**PURSUANT TO LOCAL BANKRUPTCY RULE 1007-2**

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF WESTCHESTER )

CIRILO RODRIGUEZ, being duly sworn, deposes and says:

1. I am the president and sole shareholder of Dashley Realty, Inc. (the ‘Debtor’). As such, I am familiar with the Debtor’s operations, business and financial affairs.
2. I submit this Declaration pursuant to Rule 1007(d) of the Federal Rules of Bankruptcy Procedure (the ‘Bankruptcy Rules’) and Rule 1007-2 of the Local Rules for the United States Bankruptcy Court for the Southern District of New York (the ‘Local Rules’).

**Local Rule 1007-2(a)(1)**

3. The Debtor is a single asset real estate entity that owns a vacant lot located at 415 Central Avenue, Peekskill, New York (the ‘Property’).
4. The Property has an approximate fair market value of \$375,000.00. There are no existing mortgages on the Property, although the Property serves as collateral to secure a loan

from Anthony Paolercio to 173 Cortlandt Street, LLC, an entity owned by the Debtor's principal, Cirilo Rodriguez.

5. The Debtor has properly and consistently insured, maintained and managed the Property. As set forth below, the Debtor has the ability to confirm of a Plan of Reorganization within a reasonable amount of time.

6. The Debtor's bankruptcy filing was necessitated by the appointment of a receiver in an action captioned *ATS One Holdings Corp. v. Cirilo Rodgriguez, Biombo, Inc., Dashley Realty, Inc., and 146-148 Cortlandt St. LLC*, New York State Supreme Court, Westchester County, Index No. 24566/2010 (the "State Court Action"). The underlying cause of action was based upon alleged unpaid mortgage debt by the Debtor. The receiver was appointed with regard to the Debtor's claim against New York State, as further described in Paragraph 7 below. ATS One Holdings Corp. ("ATS") is the holder a judgment in the amount of \$1,785,000.00 jointly and severally against defendants, Debtor and Cirilo Rodriguez only (the "Judgment"). The Judgment, together with over 5 years' worth of interest at the rate of 9% per annum is currently in the amount of approximately \$2,700,000.

7. The Debtor seeks to recover the sum of \$2,728,000.00 against the State of New York ("NYS") in connection with NYS' condemnation / eminent domain taking of parcels adjacent to the Property, also owned by the Debtor, for which the Debtor was never properly compensated (*Dashley Realty, Inc. v. State of New York*, Claim No. 118613). The Receiver was assigned control of the Debtor's claim against NYS by a Decision and Order in the State Court Action dated July 20, 2015.

8. Upon the resolution of ATS' claim against the Debtor, as well as the resolution of the Debtor's claim against NYS, the Debtor anticipates having the ability to confirm of a Plan of Reorganization.

**Local Rule 1007-2(a)(2)**

9. This case was not originally commenced under Chapter 7 or 13 of Title 11 of the United States Code, 11 U.S.C. §§ 101, et seq. (the “Bankruptcy Code”).

**Local Rule 1007-2(a)(3)**

10. Upon information and belief, no committee was organized prior to the order for relief in this Chapter 11 case.

**Local Rule 1007-2(a)(4)**

11. A list of the names and addresses of the Debtor’s 20 largest unsecured claims, excluding “insiders” as that term is defined in §101(31) of Bankruptcy Code is annexed hereto as

**Schedule I.**

**Local Rule 1007-2(a)(5)**

12. A list of the names and addresses of the five largest secured creditors is annexed hereto as **Schedule II**.

**Local Rule 1007-2(a)(6)**

13. A summary of the Debtor’s assets and liabilities is annexed as **Schedule III**

**Local Rule 1007-2(a)(7)**

14. There are no publicly held securities of the Debtor.

**Local Rule 1007-2(a)(8)**

15. Liam James McLaughlin, Esq. of McLaughlin & Zerafa, LLP, One North Lexington Avenue, 11<sup>th</sup> Floor, White Plains 10601 was appointed as Receiver in the State Court Action.

**Local Rule 1007-2(a)(9)**

16. The Debtor operates from and maintains its books and records at 150 Cortlandt

Street, Sleepy Hollow, New York 10591.

**Local Rule 1007-2(a)(10)**

17. The Debtor's substantial assets are located at 415 Central Avenue, Peekskill, New York.

**Local Rule 1007-2(a)(11)**

18. The only pending action against the Debtor is the State Court Action.

**Local Rule 1007-2(a)(12)**

19. The Debtor's senior management consists of Cirilo Rodriguez, 100% shareholder.

**Local Rule 1007-2(b)(1)**

20. Debtor has no employees (exclusive of officers and directors).

**Local Rule 1007-2(b)(2)**

21. The estimated amount to be paid for services to its officers and directors for the thirty (30) day period following the filing of the Chapter 11 petition is \$0.00.

**Local Rule 1007-2(b)(3)**

22. The estimated schedule of cash receipts and disbursements for the thirty (30) day period following the filing of the Chapter 11 petition, net cash gain or loss, obligations and receivables expected to accrue but remaining unpaid, other than professional fees is annexed as

**Schedule IV.**

**CONCLUSION**

23. The Debtor believes it is in the best interests of all of its creditors that it be afforded an opportunity to refinance and reorganize its obligations in Chapter 11.

24. The needs and interests of the Debtor and its creditors will best be served by the Debtor's possession of its assets and management of its affairs as a Debtor-in-Possession under Chapter 11 until confirmation of a reorganization plan.

25. Pursuant to 28 U.S.C. §1746, I declare under the penalty of perjury that the foregoing is true and correct.

Dated: Harrison, New York  
October 14, 2015

/s/ Cirilo Rodriguez  
Cirilo Rodriguez, President

Sworn to before me this 14<sup>th</sup> day of October, 2015

/s/ Bruce R. Alter  
Bruce R. Alter  
Notary Public, State of New York  
No. 02AL000053515  
Qualified in Westchester County  
Commission Expires 8/31/2017

**Schedule III**

**SCHEDEULE I**  
**List of Debtor's 20 Largest Unsecured Creditors**

none

**Schedule IV**

**Schedule II**

**List of Debtor's 5 Largest Secured Creditors**

ATS One Holdings Corp.	\$1,785,000. (disputed)
Anthony Paolercio	\$ 300,000. (contingent and unliquidated)
City of Peekskill	\$ 46,000 (disputed)

**Debtor's Balance Sheet as of September 30, 2015**

**ASSETS:**

Land and Buildings	\$ 375,000
Claim vs. New York State	<u>2,728,000</u>

**TOTAL ASSETS:** **\$3,103,000**

**LIABILITIES:**

ATS Judgment (approximately)	\$2,700,000
City of Peekskill	<u>46,000</u>

**TOTAL LIABILITIES:** **\$2,746,000**

**Schedule V**  
**30 Day Budget**

**CASH RECEIPTS:** \$0

**TOTAL RECEIPTS:** \$0

**EXPENSES:**  
Real Estate Taxes \$7000.00

**TOTAL EXPENSES:** \$7,000.00

**TOTAL NET CASH AVAILABLE:** (\$7,000.00)